

REMARKS

Since the Final Rejection, of Claims 1-45 has been reversed by the Decision of the Board of Appeals dated March 23, 2009, these claims have been held to be allowable.

However, Applicants take note that since the filing date of the present Application on March 8, 2001, and even since the date of the present Appeal in 2005, the standards and requirements of the United States Patent Office, with respect to statutory subject matter under 35 USC 101 on A) claims covering computer programs and B) system means plus function claims involving programs, have changed.

Accordingly, in order to more closely conform to the Patent Office general requirements for statutory subject matter under 35 USC 101, the following changes have been made:

- A) Original Claims 31-45 covering computer programs have been cancelled and replaced by corresponding new claims 61-75; and
- B) Original Claims 1-15 covering the system have been cancelled and replaced by corresponding new claims 46-60.

A) New Claims 61-75 covering the Computer Program are Statutory Subject Matter Under 35 USC 101

Claims 46-60 are submitted to more distinctly define the subject matter of the cancelled claims as statutory subject matter under 35 USC 101. New Claims 46-60 now define a computer usable medium having stored thereon the computer readable program which when executed causes the computer to perform the described functions.

The basis for such a computer program stored on a computer useable medium may found in the Specification of the present Application on page 10, lines 3-9 with respect to Fig. 2 wherein Application Programs 40, including the application program of the present invention, are stored in the RAM 14 storage medium of the computer controlled display during operations. The RAM storage medium is a computer usable medium on which the computer program is stored.

**B) New Claims 46-60 covering the system are Statutory
Subject Matter Under 35 USC 101**

While original claims 1-15 have not been rejected as non-statutory under 35 USC 101, the U. S. Patent Office has been taking the position that means plus function system claims such as claims 1-15 actually define elements which

The basis for such a computer program stored on a computer useable medium may found in the Specification of the present Application on page 10, lines 3-9 with respect to Fig. 2 wherein Application Programs 40, including the application program of the present invention, are stored in the RAM 14 storage medium of the computer controlled display during operations. The RAM storage medium is a computer usable medium on which the computer program is stored.

**B) New Claims 46-60 covering the system are Statutory
Subject Matter Under 35 USC 101**

While original claims 1-15 have not been rejected as non-statutory under 35 USC 101, the U. S. Patent Office has been taking the position that means plus function system claims such as claims 1-15 actually define elements which

may implemented in software which are thus considered non-statutory subject matter. New claims 46-60 which respectively correspond to cancelled claims 1-15 are more consistent with the U. S. Patent Office position. Claims 46-60 read upon a tangible structure: a system and a network system for protecting stored data files from unauthorized intruders including a processor and a computer memory holding a computer program which when executed performs the instructions set forth in the claims. These are tangible apparatus and tangible transformations by such apparatus.

Conclusion

In view of the Decision of the Board of Appeals, and the foregoing, it is respectfully that Examiner enter this Amendment, and find the present Application including Claims 16-30, and new claims 46-75 to be in condition for allowance.

Respectfully submitted

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